

Exhibit 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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EFRAT UNGAR, et al CA No. 00-105 L

v

PROVIDENCE, RI
12 JULY 2002

THE PALESTINIAN
LIBERATION ORGANIZATION

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BEFORE MAGISTRATE JUDGE DAVID L. MARTIN

APPEARANCES:

FOR THE PLAINTIFF: DAVID STRACHMAN, ESQ.
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

2002 JUL 24 A 9 39

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1 we can't increase the pace. The Court will stand in
2 recess.

3 THE CLERK: All rise.

4 (R E C E S S)

5 THE COURT: Call your next witness,
6 Mr. Stracham.

7 MR. STRACHMAN: Thank you.

8 MEIR UNGAR, PLAINTIFF WITNESS, SWORN

9 DIRECT EXAMINATION

10 BY MR. STRACHMAN:

11 Q. Mr. Ungar, where do you live?

12 A. I live in Sharei Tikva.

13 Q. In Israel?

14 A. In Israel.

15 Q. Okay. And Yaron was your son?

16 A. Yaron was my second child. My first son, yes.

17 Q. And before we begin, I want to clarify, Yaron was
18 an American citizen?

19 A. Yes. Yaron was born in the States while I was

20 studying towards my Ph.D. at the University of

21 Columbia. I -- we stayed there for a period of

22 4 years, and then Yaron was born, and then I stayed

23 there another year after I finished my studies,

24 teaching at a Hebrew college. Later on we came back

25 for sabbaticals. The second time we came back I taught

1 at the University of Houston in Texas, and Yaron
2 studied there for his first grade, and later on we came
3 for another couple of years to Philadelphia where I
4 taught at the Walton School of Economics at the
5 University of Pennsylvania. While there, Yaron studied
6 junior high, finishing his 7th and 8th grade in
7 Philadelphia.

8 Q. You provided to me a passport and a birth
9 certificate and a report of the death of an American
10 citizen; is that right?

11 A. Right, right.

12 MR. STRACHMAN: Your Honor, those are
13 Exhibits 8, 9 and 10. We ask that they be admitted as
14 full exhibits.

15 THE COURT: They may be so admitted.
16 Granted.

17 (Plaintiff's Exhibits 8, 9 and 10 admitted as full
18 exhibits)

19 Q. And, also, you and your family gave to me pictures
20 of Yaron and his family.

21 MR. STRACHMAN: May I approach, your Honor?

22 THE COURT: You may.

23 Q. I'm showing you, sir, what has been marked as
24 Plaintiff's Number 11 for Identification, and are these
25 the pictures that were provided to me of the family and

1 Yaron?

2 A. Yeah. This one Amichai, --

3 MR. STRACHMAN: It's on your list,

4 A-M-I-C-H-A-I.

5 A. -- Bar Mitzvah ceremony.

6 Q. I don't want to go through them all, --

7 A. Okay.

8 Q. -- but are these the pictures that were provided
9 to me?

10 A. Yes.

11 Q. You recognize them?

12 A. From Yaron's wedding and so forth, right.

13 MR. STRACHMAN: Your Honor, I'd ask that the
14 pictures that had been marked as number 11 be admitted
15 as a full exhibit.

16 THE COURT: They may be so admitted.

17 MR. STRACHMAN: Here are copies in color for
18 the Court.

19 THE COURT: Thank you.

20 Q. Now can you tell us what kind of a boy was Yaron
21 growing up?

22 A. Well, Yaron, I really don't know what to say.
23 There's so much to tell about him. Yaron was a great
24 helper at home. He helped me while we were building
25 our home, our new house. He helped me a lot in fixing

1 all kinds of things. When later on he came home, for a
2 weekend from the dormitory he stayed in, he used to
3 help me gardening and basically was a very good and
4 beautiful son.

5 Q. And prior to --prior to his death, how often did
6 you talk? How often did you see him?

7 A. While he got married, they used to come to us with
8 his wife and later on with the children, if we have the
9 weekend, but during the week we talked say on the phone
10 every other day. He used to tell us about what is --
11 about his accomplishments during the day, about the
12 boys, about the school where he was teaching in, and so
13 forth.

14 Q. When you said that he came to your home every
15 other weekend, did he stay with you for the weekend?

16 A. Sure. He came over on Friday and he stayed
17 usually until after sabbath.

18 Q. Sabbath, which -- a Saturday evening or Sunday
19 morning?

20 A. Sometimes during vacations Sunday mornings, but
21 during the school year until Saturday night.

22 Q. And he was 26 when he died?

23 A. It was just about before his 26th birthday.

24 Q. And even when he was married, did he come with his
25 family to you every other weekend?

1 A. Sure.

2 Q. And how did you learn of his death?

3 A. Well, in the middle of the night the doorbell rang
4 and they -- I didn't know what was it, so I ran out, I
5 ran down the stairs, I called out, who is it, but I
6 think nobody answered, so I opened the door, and there
7 was an entire delegation of the -- from the community
8 headed by our Rabbi and a physician, and I already
9 guessed. I feared there's some horrible news are
10 coming, and then they told me the terrible news.

11 Q. And what did you learn? What did they tell you?

12 A. They told me that Yaron was shot in a car, a
13 shooting out, and then I asked what about Effie, and
14 they told me Effie, too. So -- and then my wife
15 shouted for me, what happened, and then I told her.

16 Q. What kind of person was Yaron? What was his
17 personality like?

18 A. Yaron was a very bright boy. He was very much
19 loved by his classmates. He was kind of a natural
20 leader in his group. And he was simply usually the
21 center of the -- of the gathering, or the center of the
22 group.

23 Q. What about him made him the center of the
24 attention?

25 A. Well, you could always say tests, all kinds of

1 tests, and he used to carry them out without any
2 hesitation, and he was that kind of a guy during all
3 his career, short career.

4 Q. And what profession did he have?

5 A. Yaron was attracted to the educational field for
6 many years. He used to be a counsellor at scouts group
7 in our -- in our place, and he was -- he loved very
8 much his mates, his pupils, I mean, and also he was
9 loved by them. And later on, when he continued to
10 study in a rabbinical seminary, he went to an
11 educational expedition to Russia to teach there.

12 (Phone rang)

13 THE COURT: Sorry about that interruption.
14 Go ahead.

15 A. He went to Russia to teach up there young kids, as
16 well. And later on, when in college, he started to
17 study education. He was about to finish his BA degree
18 in education, and he also finished his senior teachers
19 diploma.

20 Q. And why did he -- why did he want to become a
21 teacher?

22 A. He wanted to raise a new and better generation of
23 kids.

24 Q. He told you that?

25 A. We talked about it all the time, yes.

1 Q. What kinds of things did he say about that?

2 A. Well, it came natural to him. He didn't have
3 probably any other -- it was with him for a long time.
4 He was, as he phrased, for that mission. He saw it as
5 a mission.

6 Q. And how many children do you have?

7 A. Well, I have four children, including him.

8 Q. And he was the oldest son?

9 A. He was my second child, the oldest son.

10 Q. What role did he have in your family, in your
11 family life together?

12 A. Well, when he grew up, when he got older,
13 especially when he went to high school and then later
14 on to the rabbinical seminary, he became like a
15 spiritual leader in the family, especially to his
16 younger siblings. They looked up to him for advice,
17 for comfort, and they looked up at him as if he was a
18 father.

19 Q. Can you describe your relationship with him?

20 A. Well, we did many things together, and as I said
21 before, we used to work around the house together,
22 gardening together. I remember one day one of the big
23 trees tended to fall so we had to wait until he comes,
24 after he got married, until he comes home for the
25 second weekend to cut the tree, in order not to ruin

1 the entire garden. So 3 of us, Amichai, Yaron and
2 myself, cut the tree and helped it fall down quickly.

3 Q. And following his -- following his murder, how did
4 that -- how did you react to his murder?

5 A. Well, I became much more closed and nervous, and
6 much more unhappy.

7 Q. Can you explain what you mean by that?

8 A. Well, before the murder, for example, I had a
9 hobby of going to folk dancing about twice a week, and
10 I love it very much, and after the murder, I simply
11 couldn't do it any more. I stopped going to folk
12 dancing. I felt I don't have the right to be happy.
13 Only lately I forced myself to start again. But it's
14 not the same. I simply don't have the joy of the life
15 as I had before, and sometimes during the dancing I
16 start to think about Yaron, and then I tell myself I
17 don't have the right to do it any more.

18 Q. Any other times, specific times, that you think
19 about him or that it affects you?

20 A. Well, in synagogue many times during the day, but
21 especially during my prayer to God, when I pray to God
22 and then I start to visualize the site of the
23 happening, how the bullets of the murderers struck the
24 car, and I start to think about Yaron being hit, not
25 knowing what happened to his wife and his small child,

1 Ishai, I-S-H-A-I. Ishai was with them in the car. Not
2 knowing whether they were saved or not saved, and
3 didn't have any idea probably, and at the time when I
4 think about him and about Effie, who also got killed,
5 tears start coming down my cheeks, and I can't help it.

6 Q. And did it affect your personality in any other
7 way?

8 A. Well, I think that if before the murder my family
9 was always in the first place, but my job was almost an
10 equal, at an equal level. After the murder, my
11 families, of course, not only the first place, but also
12 the second and third, and only next comes my job. Even
13 though I try to fulfill all my responsibilities towards
14 my students, as before, for example when I grade the
15 exams, I always do it the next day, and always do
16 whatever I have to do, whatever, is related to my
17 students, papers, seminars, et cetera, but my research
18 simply suffers. I don't evaluate any more as I used to
19 do it before, and my research takes a toll.

20 Q. You're a professor?

21 A. I am an associate professor.

22 Q. What subject?

23 A. In business administration, corporate finance.
24 Specializing in corporate finance.

25 Q. Now prior to his murder, were you publishing

1 articles, writing books, doing things like that?

2 A. Well, I was publishing at the rate of let's say
3 one and a half to two papers a year, which is
4 considered a normal publishing rate, yes.

5 Q. Since his death in June of 1996, has that been
6 affected?

7 A. Well, since then, 6 years has passed, and I
8 published about 2 papers only, and probably one of them
9 at least started to be breded before the murder. I
10 simply -- the publishing rate diminished to a
11 miniscule, to a minute rate.

12 Q. And in terms of your disposition or your
13 personality, how has the murder affected you?

14 A. Well, as I said before, I became much more closed.
15 Many things that interested me before don't interest me
16 so much any more, and I become more family type guy.

17 Q. Are you able to interact with other people in the
18 same way or --

19 A. More or less force myself at least for on the
20 outside to do my best.

21 Q. And you talked about your publishing rate. Since
22 you were -- since the murder, have you been promoted in
23 your job?

24 A. Not yet. I don't know if I will be promoted at
25 this rate, but I can't help it much.

1 Q. And can you be promoted if you're not publishing?

2 A. No.

3 Q. Is that why you haven't been promoted?

4 A. Promotion in Israel, as in States, is based mainly
5 -- I don't want to say entirely, but 95 percent on
6 publishing.

7 Q. And without publishing, would you be able to be
8 promoted?

9 A. No, no way.

10 Q. Now has Yaron's death affected your family life,
11 your entire family life?

12 A. Well, we are much more concerned about our kids.
13 We were concerned before, but now we have to know every
14 minute where they are located and at what point. If
15 our smaller kids who are still at home who are
16 unmarried, if they go out, we have to know where they
17 are, when they come home, if they are in a safe place,
18 and before we go to sleep, we have to make sure that
19 they are in some safe place, and my wife is really very
20 very nervous about it, very crazy about it.

21 Q. Can you give some examples of that?

22 A. Well, she makes so many phone calls, and she
23 drives my kids crazy about it.

24 Q. How old are they? How old are your older kids?
25 Your younger kids who reside with you?

1 A. The younger one is 22, and the middle one Amichai
2 is 25.

3 Q. And could you tell us why -- why did you bring
4 this lawsuit?

5 A. Well, we felt that somebody who does such a
6 horrible thing should pay for it. We don't want
7 revenge because nothing can bring back Yaron and Effie.
8 But at least we know that by helping them at least
9 financially they might think twice before carrying out
10 such a terrorists acts, this country and every country,
11 especially these terrorists organizations, and if they
12 are going to pay for their deeds they simply will stop
13 doing that.

14 MR. STRACHMAN: Thank you. That's all, your
15 Honor.

16 THE COURT: Mr. Ungar, how many years had
17 your son been living continuously in Israel at the time
18 of his death?

19 THE WITNESS: Continuously, 12 years.

20 THE COURT: Thank you. You may step down.

21 THE CLERK: Do you affirm that all the
22 testimony you're about to give in the case now before
23 the Court will be the truth, the whole truth and
24 nothing but the truth, and this you do affirm under the
25 pains and penalties of perjury?

1 THE WITNESS: I do.

2 THE CLERK: Please state and spell your name
3 for the record.

4 THE WITNESS: My name is Judith Ungar,
5 U-N-G-A-R.

6 JUDITH UNGAR, PLAINTIFF WITNESS, SWORN
7 DIRECT EXAMINATION

8 BY MR. STRACHMAN:

9 Q. Miss Ungar, what is your profession?

10 A. I'm a psychologist.

11 Q. You have a master's degree in psychology?.

12 A. I have a master's degree in psychology but I work
13 in the Teachers College in Israel.

14 Q. And can you tell us what Yaron was like, what his
15 personality was like?

16 A. I think that the most -- the things that will be
17 most characteristic of Yaron is his happiness, his joy
18 of life, his delight in his eyes. He was always full
19 of life, you know, always people around him, always
20 friends coming to him and always doing things with his
21 friends. He was really -- he was really something
22 else, what can I tell you. And even as a boy, when as
23 a baby, was a healthy and happy baby. As a boy when he
24 grew up he was always such an -- every mother would
25 like to have a boy like him, you know. I never had

1 problems with him. He -- as a pupil, he was a good
2 pupil. He was loved by his friends. He was a good
3 athlete. Always winning trophies, you know, for the
4 stuff he did. He never gave us problems, and we -- he
5 could do it because we moved a lot, you know. When he
6 was first grade, we moved to Houston, and it's a major
7 thing for a boy to change, you know, environment
8 especially in first grade, but he never complained and
9 he got along so well. Everything was okay. We came
10 back to Israel, he got along really good, then we took
11 him back to Philadelphia and he managed so nicely that
12 all his teachers loved him. It's the 8th grade when
13 there was ceremonies there. The graduation ceremony he
14 was delivering the valedictorian speech. Even if he
15 was new there, relatively new, only 2 years, everybody
16 thought of him very highly. And that was really part
17 of him. I always like him. I can picture myself, you
18 know, in a wedding of our friends, and he was there
19 dancing with the crowds there, and I was looking at him
20 and I said, this is my boy, this is Yaron. I really
21 was proud of him because he was handsome, he was tall,
22 blond, blue eyes, really handsome and lovable. You
23 know, you could see the light in his eyes, always
24 laughing, always happy, always good natured. He really
25 was something else.

1 Q. what was your relationship with him like? Can you
2 describe it?

3 A. Because he was a very open person, not a closed
4 one, he was always -- we had very warm relationship and
5 close relationships because he was open. He was always
6 telling us what's going on with him. Even, you know,
7 when he was in high school, he was away from home. He
8 wasn't in a dorm. We thought he would get a better
9 education if he'd be away from home. He came home
10 every second weekend, and he always when he came we
11 would always sit around the sabbath table, around the
12 table, and all of us listen to Yaron telling stories
13 about his friends and about the teachers and about
14 what's going on. He was always the center of
15 everything. He would teach us, you know, when we sit
16 we had this custom, Saturday -- Friday night before the
17 sabbath we have the custom to sit around the table, all
18 of us, and sing songs, and he would teach us the new
19 songs he started and learned in school, and he would --
20 he would tell us the stories, and he was always -- and
21 we had really good relationships also because we were
22 the same -- approximately the same field. I teach the
23 Teachers College, I work at the Teachers College, and
24 he was taking teaching position. He would consult me
25 and I would lend him books I had in the library, and he

1 would consult me and tell me what's going on, and
2 telling me how he prepares his lessons, and he showed
3 me. I was very proud to see the lessons he prepares.
4 It was really on high level because he cooperated with
5 his wife. His wife was illustrating the pictures and
6 he was making up the questions of the lesson to the
7 pupils. It was really -- we really had very close
8 relationship.

9 Q. And can you give us any other examples of his
10 personality or that would illustrate what his
11 personality was like?

12 A. As I said, he was a -- he was a happy person. He
13 was a leader in his group, and he had this thing with
14 -- he wasn't an idealistic person. He wasn't -- he
15 wasn't -- he didn't care for money. Money wasn't the
16 matter for him. He wanted to give to society, to
17 contribute to society, to be involved, not like other
18 people who say I'm not -- I don't want to get involved.
19 He was involved in everything he did. That's why he
20 went to education, I think. It was a matter of
21 idealism for him. He didn't care the salary is low.
22 He said, I have to contribute to society, what can I do
23 good, what can I do best, and he knew that he was very
24 good with children, I can do best to teach them, to
25 educate them to be good citizens, to be good persons,

1 and that's what he did, and I saw it everywhere. I can
2 just remember, you know, the time, it was two days
3 before his wedding, we went -- we went to the city to
4 pick up his suit. He bought a new suit, of course, we
5 went to the city to pick up the new suit. I was with
6 him in the car, and before us there was a minor
7 accident, I think, and the driver and the other driver
8 started fighting each other, blaming each other. Yaron
9 wanted to get out of our car and I said to him, Yaron,
10 sit down. What are you doing? And he said, I have to
11 go and separate them. And I said to him, are you
12 crazy, two days before you're wedding, you stay put,
13 don't go out, don't do anything, don't get involved,
14 and he said, how can I not get involved, they're
15 fighting, and he went out and he separated them. He
16 had to be involved in everything he did. That's why he
17 also went to Russia. It was hard on him. It wasn't
18 easy to be in those times, I think it was 1992. I
19 don't remember exactly the date, and it was hard on him
20 to go and to leave everything and go to Russia for 4
21 months, to some village over there, some city, and he
22 did it because he thought he would be able to do
23 something for the community, not for his community, but
24 for the Jews in Russia. So it was very important for
25 him to do.

1 Q. He was teaching in Russia?

2 A. He was teaching Jewish laws and things like that,
3 stuff like that, because he went to a rabbinical
4 college and he knew a lot, and he was teaching.

5 Q. And other than that work in Russia, did he do any
6 other charitable work?

7 A. Oh, yes, a lot. First of all, there are things we
8 learned about only after his death, after his murder.
9 We -- there are things about him that he didn't even
10 tell us. For instance, only after the murder, we
11 learned to know that he would, every month he would --
12 he and Effie would add their salaries and see how much
13 they earned this month and put aside 10% from their
14 earnings for charity. We learned to know only after
15 the death, we learned to know that there was a student
16 in the high school he taught in that they paid for his
17 tuition because he was disadvantaged. He couldn't pay
18 his tuition, and he told the principal not to tell
19 anybody. He didn't even tell us because he knew that
20 we will be amazed, we would be opposed to it. We
21 didn't imagine they were -- they lived very low
22 standard of living this time, and how can he afford
23 also giving charity to others, but it was his point to
24 give 10% of his earnings every month for -- for
25 charity. He also worked with -- when he was a teacher

1 in college -- I'm sorry, when he was a teacher at the
2 junior high where he taught, he also in the afternoons
3 were working with counsellors of students who worked
4 with disadvantaged pupils like you have here, like Big
5 Brother, something like that called Big Brother, is the
6 same program in Israel that students who want to pay
7 low tuition they have to adopt disadvantaged child, and
8 to meet him twice a week or so, and help him with
9 everything they can, and Yaron was counselling those
10 students who did it, and, you know --

11 Q. And he had been married at the time of his death
12 for how many years?

13 A. For 3 years -- for 3 -- almost 3 years. Less than
14 3 years.

15 Q. And what was he like -- he had 2 children, Dvir
16 and Yishai, and what was he like as a parent?

17 A. He was, like I said, he was a good natured boy.
18 He was a good natured father. He was -- that was his
19 personality. You could see also the way he treated his
20 children because he was always very calm with them,
21 very close to them, especially to the older one. They
22 had such a bond between them, I didn't see -- usually
23 you see it with the mother and child, but with father
24 and child, you seldom see it, you know, because really
25 the father is going out to work, coming, having less

1 time, and the mother is the main one who create this
2 bond with children, but with Yaron, especially with
3 Yishai, especially bond with them. He always asked for
4 father. He would cry at night, wouldn't cry mommy, he
5 would cry daddy, daddy. And I could see them, you
6 know, and Yaron holding Dvir, and you know when he got
7 up from sleep, they were always for, I don't know, a
8 few minutes, more than a few minutes, cranky, so he
9 would always say to us, don't talk to him now, wait a
10 second, he would take him on his hands and sooth him
11 and sit with him quietly until he woke up and never he
12 -- Effie, too, they were both special couple. They got
13 -- they never raised their voice on the children, even
14 really he's not most peaceful quiet boy in the world.
15 If he did something wrong, they would never spank him,
16 would never raise their voice at him. They would sit
17 and say, Dvir, you didn't -- what you did wasn't right,
18 you know, explaining to him was something -- he was, I
19 don't know, I wasn't used to such way of handling
20 children maybe because he was the mother and father,
21 but I think it's because of his personality that he was
22 like that.

23 Q. what kinds of things -- were there any other kinds
24 of things that he did as a father with the children?
25 Any specific things?

1 A. He did everything with them. He like -- well, he
2 bathed them and he diapers them and he crawled on the
3 floor with them, and he did everything with them. He
4 was really, you know, when he was with them he was like
5 a baby. He was doing everything with them. He loved
6 hiking around, you know, the country. He took them
7 even when they were tiny little babies, they would put
8 them on their back, backpack --

9 Q. Backpack.

10 A. Backpack, and they going all around and taking
11 them everywhere they went.

12 Q. And how -- do you know if he was involved with
13 their care when they were babies? Did he feed them or
14 did he bathe them?

15 A. Sure, sure, all the time. He was equal to Effie,
16 you know. There was not a thing that Effie could do
17 and he couldn't do, you know. He was taking care of
18 the children the way Effie did. They both were, they
19 both were busy. He maybe was more busier than Effie
20 because she -- part of her job did at home, but they
21 both took care equal parts in the household. He did
22 everything with the kids. Except of nursing the
23 babies, he did everything with them.

24 Q. And how did you react to his death? How -- how
25 did you feel following his death?

1 A. It's very hard to -- to convey the feelings
2 because, you feel like the world is coming down on you,
3 caving on you. You feel like the world is going to
4 stop now. Nothing will happen, you know, from now on.
5 Everything is going to stop. You can't bear it. You
6 know, I think for a mother to -- for a parent -- for a
7 mother to lose a child, it's the most horrible thing
8 that can happen. People, you know, I lost my father I
9 loved very much, but he came of age not long ago, but
10 he was over 80 already, and it was very painful, but I
11 didn't feel like all the world is coming apart, but
12 when you lose a child, when you lose a son, I -- it's a
13 terrible thing. I can't explain it. But on top of it
14 you lose it in such a way, such a cold, cruel and
15 horrible way, you know. It's not that he died of an
16 illness. In one minute he was a happy lively man with
17 his wife, you know. I remember the last time I spoke
18 to him it was two days before he was killed. We were
19 with daughter in Jerusalem for her birthday, and I've
20 talked to him over the phone, and he told me, mommy,
21 I'm so happy, I'm really happy, you know. He had the
22 hobby of carpentering, and he started a new course in
23 carpentry, and the vacation just started, he finished
24 the school year, and the vacation just started, and he
25 said, you know mommy, I'm so happy, I'm -- just I'm

1 happy. It went so good for him. He had a lovely wife
2 he loved so much. He had 2 great children and
3 suddenly, suddenly such a cruel death. You know you
4 think everything is going to stop. But everything
5 continues, you know, the way it's -- it's not like
6 that. And I had a decision to make. And usually I'm a
7 very rational person, and I had a decision to make. I
8 could do the easiest -- the easiest thing to do was to
9 go in bed and to stay in bed and forget about the
10 world, you know, to be wrapped up in my soul, but I
11 have two other young -- I had then, my daughter -- my
12 youngest daughter was 16, my son was 19, and I had a
13 married daughter with grandchildren, and I had parents,
14 and I had a husband I have to think of, and I had made
15 a rational decision to go on with my life. Not to --
16 not to stop anything. To do -- to go on for them. And
17 I'm sure that Yaron, you know, would want me to do the
18 same, to go on and not to let everything pass by, or
19 something like that. So I made the decision to go on.
20 I can't say that he didn't -- you know, when somebody
21 looks at me from the outside, you can say, well, she's
22 okay, she's working, she has a family, she's going out,
23 she's going to weddings, she's going -- she's doing
24 everything that every normal person does, but I know
25 it's not the same, you know, because in the back of my

1 mind, you know, in the heart, you always have this
2 terrible weight, you know. Whatever you do, it's
3 always in the back of your mind. Whatever I do, it's
4 never -- I don't -- you can't never enjoy anything you
5 do, even happy stuff, because Yaron is there all the
6 time, you know. It's like somebody, if you are sick
7 and you don't have any taste buds any more, you
8 continue on eating as usual, but you don't taste what
9 you're eating. That's the way it is. That's the way
10 it is.

11 Q. Have you -- did you change any of your activities
12 in any way? You said you went to work. Any other --
13 any changes in your activities or your daily life?

14 A. The main thing I do, the same as I did before,
15 yeah. The other small stuff, you know, the small, like
16 I used to go to a sing-a-long to a choir, I don't go
17 any more, you know, and holidays, when we sit around
18 the tables we don't sing any more like we used to.
19 Every holiday is a very tough time for us, you know,
20 when Yaron is not there. And every -- you know, every
21 thing, happy thing, it's -- the sorrow is there. When
22 Dvir -- when Yishai just started walking his first
23 step, we always thought Yaron couldn't see. When --
24 you know, everything, when my daughter gave birth to
25 twin daughters, I couldn't be happy because Yaron

1 wasn't there. So I didn't change anything but, you
2 know, there are, as I say, small things. But usually
3 you can't tell, but it's there all the time.

4 Q. And how did it affect -- how did it impact your
5 family, your family life?

6 A. I think that all my family did the same as I did,
7 you know, they continue. They continue. But it has --
8 it has its toll. We are all more nervous. I know I'm
9 very nervous. I can't help it. And I don't know, I
10 really -- I know that everybody, like my son, my little
11 daughter, they always -- they pretend that everything
12 is okay. Just be -- we are okay, don't worry about us,
13 we are okay. But I'm -- it's not -- it's not
14 manifested in anything that -- complete thing that I
15 can say, you know. It's not they dropped out of school
16 or something, didn't even go to concerting, but it's
17 there all the time, this heavy feeling, you know. It's
18 there all the time.

19 Q. Are there any particular things that make you
20 think about his death or remind you of him?

21 A. Everything. When I hear -- when I hear singing, a
22 song he loved. When I go in the street, suddenly I see
23 a young couple, you know, she's black hair, he's blond,
24 and then child with them, I always think that's Yaron.
25 I see his friends, you know, raising family, having

1 already 3 kids, 4 kids, and I think of him. I think of
2 him all the time, especially on holidays when, you
3 know, we used to do -- we build up, you know, holidays
4 we have to build this Sukka, I don't know what -- how
5 to call it in English, but he was always there, you
6 know, decorating it. He loved to decorate it. He's
7 not there, and everything, everything, Hanukkah,
8 lighting candles, he would always be there and sing.
9 He's not there.

10 Q. How do you -- how were the kids, Dvir and Yishai,
11 impacted? Did you notice an impact on them?

12 A. They were too small to remember. It's not like
13 you know, like even 4 or 5 year old when the parents
14 are gone, they still have some memories of them. They
15 was not even 2 years old, less than 2 years old.
16 Yishai was 10 months old. So it's hard to say if it's
17 impacted them. I don't know. I really don't know.
18 It's hard to say. But what pains me the most is that
19 they didn't know them. They don't remember. It pains
20 me that they don't remember them, because they were
21 such wonderful people, you know. I know when I grew
22 up, it's my parents' house, was always the pictures of
23 my grandparents who perished at the Holocaust, and
24 there's pictures, I would look at them. I knew they
25 were my grandparents but I didn't have any emotional

1 attachment to them. I know they're my grandparents,
2 okay. I'm afraid that's the same feeling the children
3 have towards their parents because they know all the
4 stories, they know the pictures, they know what's
5 happened, but it's just pictures for them. It pains me
6 because they lost wonderful parents. I don't know,
7 maybe in the long run, if I'm doing -- if I'm thinking
8 of it as psychology, I'm sure that in the long run it
9 will affect them, but I don't want to refer it as a
10 psychologist, so that's it.

11 Q. Now following their deaths, were there any
12 particular ways that they were memorialized by their
13 friends or by their family? I'm talking about Yaron
14 and Efrat.

15 A. I don't understand the question. What do you
16 mean?

17 MR. STACHMAN: May I approach the witness,
18 your Honor?

19 THE COURT: You may.

20 A. Memorize?

21 Q. My English isn't too good. I'm sorry.

22 A. No. I am too emotional to --

23 Q. I'd like to show you --

24 A. Yeah, yeah, okay.

25 Q. -- picture -- this is a picture --

1 A. Yeah, yeah, memorized.

2 Q. -- in the packet number 11, could you tell us what
3 this picture is?

4 A. Yes. I said Yaron had many friends. wherever he
5 went, wherever he was, he had these friends, you know,
6 from high school and then from the rabbinical college,
7 and everywhere, you know, where we lived, everywhere he
8 has this circle of friends. When Yaron was murdered,
9 his friends decided to build a monument in the place
10 that the murder had occurred, and this is the monument,
11 and we dedicated it. It's not only the monument, it's
12 also a forest. well, in Israel you don't have forests.
13 It's a real -- it's a small forest, let's say. This is
14 the monument and the small forest. They both like --
15 it's all dedicated in the memory of Yaron. His friends
16 also published -- we have two -- we have others. Maybe
17 you don't have them, two pamphlets, books, booklets in
18 his memory. Two of his friends published and one
19 pupils of high school published in memory -- memorial
20 booklets on their behalf. They did it themselves.
21 It's not a family, and they -- it's their friends wrote
22 here, things about them, you know, paragraphs about
23 them, and we have also many many boys that were born
24 first to the family and also to his friends that are
25 called after him. That are called Yaron, either Yaron

1 or combination of the name Yaron and Effie, and the
2 frat, they, they -- there are at least I think 10 boys
3 that I know of that are called after them, are named
4 after them, yeah, are named after them, at least 10,
5 and there are also others -- where we live, it's the
6 place we live in, --

7 (phone rings)

8 THE COURT: Excuse me.

9 A. It's a place we live in, we have playground for
10 the children that is named after them, and I know in
11 the -- it's a college -- it's a high school that he
12 taught, he was a teacher there, they named a teaching
13 college hall after on his name. So we have many, and
14 also I don't know if we have -- you know, his friends
15 come over to us. In the beginning they used to come
16 every month, for we had a meeting in our house every
17 month, the first year after the murder, and we would
18 gather together, and they would come and lecture and
19 gave a lectures either in topic of education or on
20 Jewish studies. We would -- he would give this
21 lecture. That was at the first year we would gather
22 his friends, like 30 friends would come every month.
23 The second year we did it less, and now lately the last
24 years we do it like 3 or 4 times a year, they gather by
25 us and we have a lecture on his memories and we have a

1 get-together in talking everybody, what's new, who got
2 engaged, who got married, who had children. Now
3 everybody is married already and, --

4 Q. When was the last time you had one of those
5 lectures?

6 A. It was just after Passover, I think.

7 Q. In the spring?

8 A. Yeah.

9 Q. Okay. And how many people come to those lectures?

10 A. About, at the beginning, there were more than 30.
11 At the beginning there were much more. Now it's very
12 hard for them to come because they're spread all over
13 Israel, you know, they don't live in one place, they
14 live all over, so they come, about 30 people come.
15 Sometimes they come with the wife, and they come, you
16 know, and they also call us, you know, and before
17 every -- before every holiday they call us to say to
18 us, you know, happy holidays, and they say they have a
19 child, they call us to say I had a daughter, I had a
20 son, and we -- they're always in connection with us.
21 They're always staying in touch with us.

22 Q. And what you described before is the memorial
23 book, is this what's been marked as Exhibit 18?

24 A. This is the memorial book the friends published.

25 Q. His friends put this together?

1 A. Put this together, put the pictures, and also the
2 paintings of Effie's paintings.

3 Q. Effie did them?

4 A. Yes.

5 MR. STRACHMAN: Your Honor, I'd like to have
6 this marked as Exhibit 18. This is not in the package.

7 THE COURT: It may be so marked.

8 THE COURT: Thank you.

9 (Plaintiff's Exhibit 18 was admitted as a full
10 exhibit.)

11 THE COURT: You may step down. Thank you.

12 THE CLERK: Do you affirm that all the
13 testimony you are about to give in the case now before
14 the Court will be the truth, the whole truth and
15 nothing but the truth, and this you do affirm under the
16 pains and penalties of perjury?

17 THE WITNESS: I do.

18 THE CLERK: Would you please state and spell
19 your name for the record.

20 THE WITNESS: My name is Michal Cohen,
21 C-O-H-E-N.

22 MICHAL COHEN, PLAINTIFF WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. STRACHMAN:

25 Q. Michal, where do you live?

1 A. I live in Jerusalem, Israel.

2 Q. Okay. And you are Yaron's older sister?

3 A. I'm Yaron's elder sister. I was 3 years old when
4 Yaron was born.

5 Q. And do you live in America together?

6 A. Yeah, we were together. I really don't remember a
7 time without Yaron. We were always together. We moved
8 between a lot of towns and a lot of places, so the one
9 constant was us being together. We were childhood
10 friends. I remember how we were these brave detectives
11 and we used to solve mysteries together, how we went up
12 on trees, we just pretended that we were on desert
13 island and seeking for planes, and we have all these
14 childhood things that we did together. I remember how
15 we used to sneak onto the porch after the curfew time,
16 to peak and see the TV. It was just growing up
17 together.

18 Q. Did you live in the same room at some point
19 together?

20 A. Yeah, yeah. We were roommates, and it really made
21 a good connection. We used to talk about the day
22 before we fell asleep, and he was a nice brother to be
23 with.

24 Q. And when you got older, what kind relationship did
25 you have?

1 A. Well, as we grew older, we became friends. There
2 was this kind of bond and trust between us so that we
3 could talk about everything. I remember, I was already
4 married, and Yaron used to come to me for advice about
5 his girl friends, about his future, and even when he
6 met Effie, Efrat, I remember him coming over and
7 showing us the photographs and like looking for my
8 approval, is she okay? What do you think? It was
9 really touching.

10 Q. Did you have any common interests?

11 A. Yeah, we liked the same songs, and I liked science
12 fiction books, so I taught him, I introduced him to
13 science fiction, so he loved it, too. I remember that
14 after he was murdered, my parents brought me this book
15 that was by his bedside. They saw it was science
16 fiction so right away they brought it to me and I read
17 this book and got to the middle of the book and I saw
18 his book mark in there, and it was really a great shock
19 because I knew that this is where he came to, and he
20 would never ever read ahead of this place. It was just
21 terrible.

22 Q. And when he got married, did you still remain
23 close?

24 A. Yup. We were very close. He used to call me, I
25 used to call him. I remember after Dvir was born,

1 Effie was still in the hospital and I went with him
2 shopping. We went to buy baby clothes and bottles, and
3 I showed him what kind of detergent he should buy for
4 the baby clothes. I remember him saying to me, Michal,
5 I'm so lucky to have you as my sister, but little did
6 he know that I was really lucky to have him. I'm
7 sorry.

8 Q. When was the last time you spoke with him?

9 A. Well, it was -- it was about a week before the
10 murder. We talked over the phone and I remember him
11 telling me how proud he was. He finished this library
12 he was building. He loved to build things with his
13 hands so he built this library and was proud of how
14 good it came out. And two days before the murder it
15 was my 29th birthday, and my parents came over for the
16 weekend to celebrate my birthday, and he was calling me
17 to congratulate me, but I couldn't come to the phone.
18 My mother talked to him and I told her, tell him I'll
19 call him in a couple of days, there's no big hurry, and
20 I missed the last chance for me to speak with my
21 brother.

22 Q. When was the last -- excuse me. How did you react
23 to his death?

24 A. Well, it's really very hard, as you see. I'm very
25 -- I'm very emotional. Especially after the death, I

1 became very emotional. Every small thing that happens
2 I take it hard. My family is very mathematicalized and
3 they try to hide everything inside, and that's one way
4 to take the grief, and I'm very emotional, and it's
5 hard. I gave birth a couple of years ago to twins, and
6 it should have been the happiest day of my life, and it
7 was happy, but I was thinking how sad it is Yaron isn't
8 here, and that the twins won't be able to see this
9 wonderful lovely crazy uncle who could crawl with them
10 and sing with them and jump with them and just teach
11 them, and that's hard. It's also hard for my -- I have
12 two daughters who were 2 and 4 at the time of the
13 death, and how can I raise them when they ask me,
14 mommy, are you going to die? When are you going to
15 die? Usually I see -- my friends tell their children,
16 oh, you'll be a grandparent when I'll die. You don't
17 have to worry. I can't tell them that. They see their
18 cousins that are orphans. They have no father and
19 mother, and what should I tell my kid. How can I raise
20 them to be -- to know that we'll be there. And it's
21 hard.

22 Q. Following his death, did you -- was there any
23 change in your activities or your lifestyle?

24 A. Well, there -- there are some things it changes.
25 well first of all. I called -- my twins are named

1 after one of Yaron and one after Efrat, so every day
2 when I talk to them and I see them I remember Yaron and
3 Effie. And just day-to-day things, I walk in a mall, I
4 hear his favorite song, I just get paralyzed. I have
5 to snap myself back. Or seeing in the distance a tall
6 blond guy, I know my head tells me it's not Yaron, but
7 for just a split second my heart says maybe it's him.
8 Even if it's illogical, it's always there.

9 Q. And how has it impacted your parents, your family?
10 Have you been able to observe how it affects them?

11 A. Yeah. Since I'm living with my husband and kids,
12 I see and I come a lot to my parents' house, and every
13 other weekend we're there, with Dvir and Yishai. I can
14 see from the inside how it's affected the household.
15 How everybody is so nervous. They don't take out
16 anything. Everybody is keeping it inside because it
17 doesn't want the other one to get hurt. So it's like
18 walking on egg shells. My brother is a big guy
19 already, but my mother has to know where he is, and
20 it's really tense, really tense. Everybody is nervous.
21 Every petty thing becomes this major issue, and they
22 weren't like that before. They were just a happy
23 family, singing, laughing, and it's not like that any
24 more.

25 Q. Do you go to your parents on the weekends?

1 A. Yeah, yeah. We try to make it a point to be there
2 every time. Dvir and Yishai are there every other
3 weekend so that we'll be together. Our kids are
4 practically the same age and they play together, and --

5 Q. Is that for the sabbath?

6 A. Yes.

7 Q. You stay overnight there?

8 A. For the whole weekend, from Friday until Sunday
9 night, yeah.

10 MR. STRACHMAN: Thank you.

11 THE COURT: You may step down. Thank you.

12 THE CLERK: Do you affirm that all the
13 testimony you are about to give in the case now before
14 the Court will be the truth, the whole truth and
15 nothing but the truth, and this you do affirm under the
16 pain and penalties of perjury?

17 THE WITNESS: I do.

18 THE CLERK: And will you please state your
19 name for the record?

20 THE WITNESS: Amichai Ungar, A-M-I-C-H-A-I,
21 U-N-G-A-R.

22 AMICHAH UNGAR, PLAINTIFF WITNESS, SWORN

23 DIRECT EXAMINATION

24 BY MR. STRACHMAN:

25 Q. Amichai, how old are you?

1 A I'm 25 years old.

2 Q. And do you live with your parents?

3 A. I live with my parents, yes.

4 Q. Okay. And like your brother, you're an American
5 citizen?

6 A. I am. I was born in Houston, Texas.

7 Q. And do you work or go school?

8 A. I just graduated. I got my bachelor's degree in
9 computer science. I finished last test and I'm working
10 for 2 years in a computer company.

11 Q. And how many years different were there between
12 you and your brother?

13 A. There are 6 years difference between us.

14 Q. And how did you learn about his murder?

15 A. I wasn't at home when it happened, and it become
16 that I was the last one to know. My parents couldn't
17 reach me. They didn't know where I was. So I started
18 the day, it was more than 6 hours after it happened,
19 everybody already knew, and I was with my friends, and
20 then someone called me out and told me that Yaron has
21 died, and the first question I asked is, what with
22 Effie? And he said he didn't know. He didn't have any
23 information. I was shocked at the moment. I didn't
24 know what to think about, and I went home with my
25 friends, I started hitchhiking home, and on the way on

1 the radio I heard that there was a gunshot, and two
2 people were killed, and they said Yaron and Effie. And
3 that's the way I heard that also my brother and his
4 wife were killed, by the radio.

5 Q. What kind of relationship did you have with your
6 brother? Can you describe it?

7 A. Um, he was kind of my hero. My big brother, tall
8 one, strong, good in sports. I was the little child
9 that look up to him, and he was something of a
10 protector of mine, physical protector and mental
11 protector. I have an example for that. When I was
12 something like 3, or I think 4 years old, I went to,
13 with his friends, they played soccer, and I went to --
14 he took me with him. I sat on the grass and watched
15 them, and they played, and suddenly a big dog came from
16 nowhere and knocked me down to the grass, and he stood
17 above me, and I don't know if I called him, or he saw
18 it, and he come running and he kicked the dog off.
19 Something -- maybe it's every brother would do that,
20 but this is something from my childhood that I
21 remember, and also after I told that to Dvir and
22 Yishai, after it happened, of course, it's a story that
23 they very liked to hear, how their father is a
24 protective father. This is the big brother that I had,
25 that I know, that I can rely on, can help me if I'm in

1 trouble, come and rescue me, and also a mental
2 protector. When I was 13 years old, I just was on
3 vacation from school, and he wrote me a letter. I have
4 here something. I translated some of it. I was on
5 vacation, and he was very afraid of my -- how would I
6 be in the vacation, so I want to read a little bit from
7 something he wrote me. "Dear Brother, hi: How are
8 you? How is the vacation? Are you bored yet? I
9 decided to write to you because I'm worried. Why am I
10 worried? I'll explain to you with an example. When
11 you take a delicate pot and heat it up to a high
12 temperature, you cannot put it suddenly in cold water.
13 This sudden change will make it break. What does this
14 have to do with you? During school, you have a daily
15 schedule and suddenly comes vacation, you shouldn't
16 make a sudden change like that delicate pot. You
17 should still make a point to learn a little each day.
18 Don't be a Doctor Jekyll during school and then
19 Mr. Hyde on vacation. And it continues, and then he
20 signs love and kisses to all. Yaron".

21 Q. Is that letter published somewhere?

22 A. Yeah. Nobody knew about this letter. It's
23 something that he wrote to me. I got it, I read it. I
24 hope I worked upon it. But it was in my drawer, and
25 nobody knew about it. After it happened, when all

1 friends and family came to us, I took it out and I
2 showed it the first time to my parents and to the
3 friends, and I took it as a personal letter from a big
4 brother to his little brother, but they also look at
5 the things that people can -- little children can learn
6 about that, because it was in the beginning for me, but
7 every child that is on vacation can take the points
8 from that note and look at it as it was written to him.
9 So it was published in also some newspapers, but also
10 in the youth group that he was teaching there.

11 Everyone that got on vacation got a copy of this letter
12 and they taught people about it.

13 Q. That was just an excerpt that you read to us; is
14 that right?

15 A. Yeah. That's without the personal things.

16 Q. And following his death, how did you react to his
17 death? How did you experience it?

18 A. I -- I had to go on with my life, but things
19 aren't the same. Now when Dvir and Yishai come to us
20 every other weekend, my job is to -- I'm the one that
21 is more taking them to -- I bathe them and I put them
22 to sleep, and many times I'm there when the lights are
23 off, I look at them and I sleep near them, and I think
24 that it's not my job to be -- I'm not supposed to be
25 there. The one that's supposed to be there tucking

1 them to bed and closing the window and seeing that
2 they're okay is the father and mother. I'm only the
3 uncle. I only need to play with them once, I don't
4 know, but now I have to be also when it's our place, I
5 also need to be also a father and mother to see that
6 they're okay, not only to play with them.

7 Q. How has the death affected your parents?

8 A. Well, very tense family now after it happens. If
9 something falls, suddenly we all jump. We shout more
10 at each other. We're very tense. I'm getting 26 in
11 some months and still if I'm late home, I know that my
12 mother doesn't go to sleep until I'm home, and she's
13 calling me wherever I am, and it's very hard. It's
14 frustrating because you're a grownup person, but you have
15 to tell every moment where you are, what are you going
16 to do. When I go to travel, I need to think everything
17 twice. Before I could jump and run on the hills, and
18 not think. Now I need to think, wait a minute, if
19 something were to happen, now I can let myself do less
20 things because I can't let my family suffer twice.
21 They've suffered enough, and enough, and I can't let
22 them lose another son.

23 Q. Any things you do differently now following his
24 death than you did before?

25 A. A lot of black humor after it happened. I need to

1 be responsible of Dvir and Yishai, so if on a weekends
2 my friends go somewhere, I can't go with them because I
3 need to be first with Dvir and Yishai and help them and
4 be with them, and only after they go to sleep I can see
5 if I can take time to myself and not before.
6 Everything in -- for example, I think my first time I
7 was at a wedding of my friends after it happened, happy
8 occasion, and everyone was happy and we all dancing,
9 and suddenly I saw the one that got married, my friend,
10 dancing with his brother, and I couldn't dance. I went
11 over to sit and cried, and I knew that this thing, I
12 won't ever have. I won't have my brother dance with me
13 in my wedding, something that I can only dream of. And
14 another thing is this, the first time that we all
15 rationale, all of my family, and this is the first time
16 I think my parents hear me talk about it, because I
17 know that it's very hard to express your feelings, even
18 if it would make you feel better, if you know that what
19 you're saying would help people that you love. And
20 that's why for more than 6 years, I need to be at least
21 me. I can't be -- I need to be a rock that I'm okay.
22 I'm not -- I should continue because I know if I
23 express my real feelings and it's hard also for me, I
24 would hurt my family, and I prefer to be with my soul,
25 and with myself, and deal with it inside of me even

1 though I guess it's not so healthy and easy, but it's
2 better than to hurt the people that you love.

3 Q. okay. Thank you.

4 THE COURT: You may step down. We'll take
5 our afternoon recess.

6 THE CLERK: All rise.

7 (R E C E S S)

8 THE COURT: Call your next witness,
9 Mr.

10 THE CLERK: Do you affirm that all of the
11 testimony you are about to give in the case now before
12 the Court will be the truth, the whole truth, and
13 nothing but the truth, and this you do affirm under the
14 pains and penalties of perjury?

15 THE WITNESS: Yes I do.

16 THE CLERK: Could you please state and spell
17 your name for the record, please.

18 THE WITNESS: Daphne Ungar, D-A-P-H-N-E
19 U-N-G-A-R.

20 DAPHNE UNGAR, PLAINTIFF WITNESS, SWORN

21 DIRECT EXAMINATION

22 BY MR. STRACHMAN:

23 Q. Daphne, how old are you?

24 A. I'm 22.

25 Q. And you live with your parents?

1 A. Yes, in Sharei Tikva.

2 Q. And how many years difference are there between
3 you and Yaron?

4 A. 6 years apart. I was a -- I'm sorry. 9 years
5 apart. I was -- when I was born, Yaron was 9, and he
6 always was my great big brother. I mean, other brother
7 is 3 years older than me, but Yaron was my really big
8 brother, and always I remember him as a big protecting
9 brother. One of my first memories in life was when I
10 was a child, I was about 3 years old, I was at
11 kindergarten and I fell off the swing and I cut my
12 chin, and Yaron came and he took me, and he tried to
13 calm me, and he was with me. He took me to the
14 hospital. They had to put stitches, and he just took
15 care of me and promised me everything will be all
16 right, and don't need to worry, and that is the image I
17 have of Yaron to be there to protect me, there to make
18 sure I'm all right.

19 Q. What was he like as a person?

20 A. I think the main thing, when you recall Yaron, the
21 main thing you think of is the smile. He had the
22 everlasting smile on his face. He always made jokes.
23 He always laugh with us, tell us funny stories, and I
24 have in my room poster he gave to me as present on my
25 birthday. Maybe I was 10 years old then, a poster with

1 it has a picture of a clown, and it is written there if
2 you meet someone without a smile, give them one of your
3 own as a gift. And really that characterized Yaron,
4 always smiling and always trying to keep everyone
5 happy. And he was a very -- he was a person that
6 everybody would be attracted to. Magnetized by his
7 power and his happiness. And one of the things that
8 hurts me the most when I think of Yaron is that I
9 really knew him only as a child, because I was 16 when
10 he was murdered, and I had the connection with him like
11 a little child to her big brother, but I haven't had
12 the chance to know him as an adult. I was robbed of
13 the chance to meet him, to be a friend of him, to talk
14 to him eye-by-eye because when I was already an adult
15 he wasn't there. And because after the murder I heard
16 from his friends and from family so much stories about
17 Yaron, I knew the big thing I have missed, because I
18 didn't know him that way. I knew him in a different
19 way and didn't have the chance to know him that way.

20 Q. After his death, after his murder, how did you --
21 how did you react to his murder? Any things that you
22 did or didn't do because of that, because he was
23 murdered?

24 A. Well, it has an impact on your life that is very
25 hard to explain. It's not -- I had a sudden urge to

1 continue talking with Yaron. I used to have a
2 conversation everytime before I went to sleep with his
3 picture, and he wasn't really answering me, but I used
4 to tell him what's going on, and I wrote a letters to
5 him and to Effie. I told him -- told them, all kinds
6 of things that happens in our life, especially things
7 that changed in Yishai's field, when Yishai had walked
8 his first step, and Yaron and Effie weren't there to
9 see it. I felt I have to let them know what happened.
10 And even though they may be looking from the sky down
11 at us and seeing it, it's -- I felt I must tell them
12 the news, and they're missing a lot down here. They're
13 missing their beautiful child growing up, and it's a
14 pity.

15 Q. And are there any ways, any other ways that you
16 feel the loss or you experience the loss of Yaron?

17 A. Yes. It comes to you all the time. Even when not
18 expected. Me and Yaron were alike in many kinds of
19 ways. Many ways. We liked the same food, and
20 sometimes just sit and eat my favorite snack, and it
21 was Yaron's favorite snack, too, and keep reminding me
22 Yaron liked it, and when we used to sit together when
23 he was over us for the weekend, and we gave Dvir, was a
24 little boy, we gave him that snack, and we both would
25 be racing who would take most of the food out and eat

1 most because we both loved it very much. And you
2 remember him all of the time just hearing a song over
3 the radio and reminded that Yaron liked the song. Even
4 when there was a new song on the radio and it's just
5 some singer that sings about her boyfriend that leaves
6 her and she said, oh, why did you go, and to my mind
7 "why did you go" have a different meaning. I suddenly
8 think of Yaron, and how he have left us. It comes to
9 you all the time. It's not -- it's not that we always
10 walk around in deep sorrow but in every act that we do
11 we have this on the background of our mind reminding us
12 all the time what have happened.

13 Q. And what was Yaron like as a father?

14 A. He was great. He was -- was really inspiring to
15 see him with his children. He -- once I remember Dvir
16 was running around our house, my parents' house, and he
17 broke a vase that stood over there, and instead of
18 getting angry at him or shouting at him or doing what,
19 Yaron just took him and put him on his lap and started
20 saying, Dvir, you know, you are a good boy, right, and
21 good boy doesn't do things like that. And he would be
22 so patient to him, and so loving, it would be amazing
23 to see it.

24 THE COURT: You may step down.

25 THE CLERK: Do you affirm that all the

1 testimony you are about to give in the case now before
2 the Court will be the truth, the whole truth and
3 nothing but the truth, and this you do affirm under the
4 pain and penalties of perjury?

5 THE WITNESS: I do

6 THE CLERK: Please state and spell your name
7 for the record.

8 THE WITNESS: Uri Dasberg, D-A-S-B-E-R-G.
9 Uri, U-R-I.

10 Q. URI DASBERG, PLAINTIFF WITNESS, SWORN

11 DIRECT EXAMINATION

12 BY MR. STRACHMAN:

13 Q. Rabbi Dasberg, where do you live?

14 A. I live in the suburbs of Jerusalem.

15 Q. And you are Effie's father; is that
16 right?

17 A. I'm Effie's father.

18 Q. And what kind of relationship did you have with
19 Yaron?

20 A. I think it was a special relation. I have my
21 grownup boy, the first born, is a little bit elder than
22 Yaron, but when I thought about doing things together
23 and my occupation is writing, editing books, when I
24 thought about it, it occurred to me that I can work
25 with Yaron much better than with any other person. It

1 happened that, of course before the murder, I was asked
2 to edit a book, a guide for a Jewish laws for the
3 traveler in Israel. I did it already with a book for
4 travelers abroad outside of Israel, and in the college
5 in which I'm working I was asked to write something
6 like that for the traveler in Israel, but I didn't have
7 enough time to collect all the material, all the
8 details about such an issue, so I thought about who can
9 help me in this work, and suddenly I found myself near
10 Yaron, Yaron can do it, because first of all he loved
11 very much to travel alone and in groups, so he knew the
12 details, he knew the conditions, and he knew also the
13 books. He was a learned person. So he could go over
14 the books and see whatever he can see there. So I ask
15 him, Yaron, can you help me in this work. So he
16 thought about it, I think, a little bit, and he said
17 okay, I'll take it. Then I told him look at the book
18 that I wrote before, the laws for the one who travels
19 abroad out of Israel, and this will be like the same.
20 Every word has to be as much -- must have a source, a
21 written source, in our -- by sages in the bible, so he
22 said okay, I do it. Then he wrote all the chapters,
23 and then I found out some material that is not written
24 anywhere. For example, if you go on a trip, of course
25 it was written in this book that if you go on a trip,

1 there are people on this trip that feel -- don't feel
2 away from home and they are alone, they are sad, and
3 you as a guide, you as a member of the group, must take
4 care of them and must treat them different than in
5 regular situations. So I asked Yaron where is this
6 thing is written, and he looked at me and said, it's
7 written here, pointing to his heart. So I said, Yaron,
8 we spoke about not writing things which is not written
9 before. He say, I can't give you material without this
10 dittel, for example, and it is written in the book. We
11 published later on. The day they were murdered, I'm --
12 I was talking with Effie's wife on the phone, and it
13 was the end of the learning year, and he had some other
14 plans, and I thought he wouldn't be able to finish the
15 work on time, so I asked him -- I asked Effie, tell
16 Yaron that if he doesn't finish this work, so I do it
17 for him, I'll finish the work, and she brought that
18 evening the work, what he wrote, it was almost all the
19 book, to me, and I had to finish the work, yeah. I
20 think there was -- yeah, this is it.

21 Q. Now showing you these copies -- are these the
22 copies of the book?

23 A. This is a copy of this guide for a traveler in
24 Israel, two different editions with the same context
25 from which I pointed out just now, from page 13, what

1 -- something which he was written before, what I
2 describe before about behaving to your fellows during
3 the trip, this is the book.

4 Q. And how many copies of the books were published?

5 A. I think each edition was published in 5,000 items,
6 which is a great quantity in for such books. For
7 example, this book about traveling outside of Israel,
8 was published, I think, 2,000 or 3,000 times, that's
9 all.

10 Q. And are they distributed by the youth group that
11 he was involved in?

12 A. It is distributed by both, by the college in which
13 I'm working and also the youth group where he was
14 working asked the permission to republish it for their
15 members.

16 Q. And do you know if Yaron published any other
17 books?

18 A. Yes. It was in this attitude of combining the
19 knowledge of the written sources, and the atmosphere
20 which goes among the people who has to read this book,
21 went again in another book in which -- booklet, to be
22 more exact, that in which Effie and Yaron took jobs
23 together. Yaron was writing and Effie was drawing.
24 One of the most difficult things is to review things,
25 material that you learned already, because it's boring,

1 it's dull. How can you go over a material that you
2 read already, you studied already, and he did an
3 excellent one about the Book of Samuel in the Bible in
4 which a student is requested to review what he learned
5 already but with questions which are very interesting
6 when it makes you enjoy the learning of this -- of this
7 study. And you look at this book, you have the desire
8 to go over all the Book of Samuel again in order to
9 answer the questions, to explain the pictures you see,
10 et cetera.

11 Q. And Effie illustrated the book and he wrote it; is
12 that right?

13 A. Effie illustrated the book and he wrote it. It's
14 a marvelous work together of a couple who worked
15 together. I congra -- every couple that will be able
16 to work such a -- in such a common way.

17 Q. And the children, Dvir and Yishai, they live with
18 you and your wife?

19 A. Dvir and Yishai live with us all the time, yes.

20 Q. And how did they deal with their parents' murder?

21 A. Sometimes they are asking questions what happened,
22 and of course pictures of Effie and Yaron are in the
23 house, and they're asking us, of course they love us
24 yes, and how do they react? Do they see us? We don't
25 hide from them anything. Whatever they have to know,

1 they know. And they are calling us Abba, Eema, which
2 means Hebrew mommy and daddy. That was because my
3 sister -- she was not my real sister, she also grew in
4 my parents' house after the Holocaust, and she was 60
5 when the murder happened, and she came to us, make
6 these boys a favor, let them call you mommy and daddy
7 because I, a woman 60 years old, had no -- in my life I
8 didn't have the chance to call anybody mommy and daddy,
9 and let them have this chance. So we told our other
10 kids when you call Dvir, tell him to go to Abba, go to
11 daddy, go to mommy, so he'll call you also -- he'll
12 call us also daddy and mommy and won't miss what my
13 sister missed.

14 Q. And do -- what kinds of questions do they ask you
15 about their parents?

16 A. Just lately, a few years ago, a few days ago, they
17 asked is there any part of the story that we don't
18 know? For example, Yishai said, I know I was in the
19 hospital, because the same day when it happened, I was
20 in Jerusalem.

21 THE COURT: Excuse me, in Jerusalem?

22 THE WITNESS: In Jerusalem. I was in
23 Jerusalem, and when I came home, what I knew is that
24 Dvir and Yishai should be in our home, and they were
25 going to a wedding, and the two children are with us.

1 So I was awake, as other members of the family were
2 asleep already, and I was waiting for them. 11:00
3 o'clock, 11 and a half, 12 o'clock on the radio, on the
4 TV, I heard that there was a couple who were shot, and
5 a she baby is still -- was also in that car. So, as an
6 optimistic person I thought this is not they because
7 they didn't go with with a baby, and they don't have a
8 she baby. But after awhile, I heard the make of the
9 car on the radio, so I went to see if the two kids are
10 in bed, and when I saw that Yishai is not there, so I
11 shouted, Yishai is not here. And my wife woke up, and
12 then I drove to the place where it happened, and they
13 told me that Yishai is in the hospital. So just a few
14 days ago, Yishai was asking me what happened there, and
15 I told you -- I told him this story.

16 Q. And is it something that, you know, comes up every
17 once in awhile for them or infrequently, or --

18 A. Infrequently, when we are talking about --
19 sometimes they are talking about Abba, daddy, so we ask
20 him who is this daddy, Abba Yaron, Yaron, or Abba Uri,
21 so then he has to explain to whom he is referring.

22 Q. And you picked up Yishai from the hospital?

23 A. Yes, I did.

24 Q. Yourself?

25 A. Yes.

1 Q. And he wasn't injured at all?

2 A. He wasn't injured. That was a real miracle after
3 something like 50 bullets. Effie was driving and Yaron
4 was sitting beside Effie, and Yishai was sitting in his
5 baby's chair behind Effie so she protected him not only
6 through her life by nursing, et cetera, but also with
7 her body when she was shot.

8 MR. STRACHMAN: Thank you.

9 THE CLERK: Do you affirm that all the
10 testimony you are about to give in the case now before
11 the Court will be the truth, the whole truth, and
12 nothing but the truth, and this you do affirm under the
13 pains and penalties of perjury?

14 THE WITNESS: I do.

15 THE CLERK: Please state and spell your name
16 for the record.

17 YEHUDIT DASBERG, PLAINTIFF WITNESS, SWORN

18 DIRECT EXAMINATION

19 BY MR. STRACHMAN:

20 THE COURT: You may proceed.

21 Q. Mrs. Dasberg, you're married to Rabbi Dasberg; is
22 that right?

23 A. Yes.

24 Q. And the children live with you?

25 A. Yes.

1 Q. Since --

2 A. Since it happened.

3 Q. Okay. And what's -- by the way, what's your
4 profession? Do you have a profession?

5 A. Yeah, I am a teacher. I started -- I worked as a
6 teacher for 15 years, then I was a manufacturer, and
7 then I was working in public relations for an
8 institute, an educational institute, and after Effie
9 and Yaron died I had to leave my job, I wanted to be
10 more in the house with the children.

11 Q. And when Effie and Yaron were killed, was Effie
12 pregnant?

13 A. Yes. A week before they were killed, she just
14 told me that she's 2 months pregnant.

15 Q. And did -- before they were murdered, did the
16 family live near you?

17 A. Yes. They lived about 15 minutes drive from our
18 house, and we were on the way to Jerusalem, so whenever
19 they were commuting to Jerusalem they would come, they
20 would leave the children with us, like they did now on
21 the way to their wedding. And the first year of their
22 marriage, she was working in our neighborhood, so
23 everyday she would come in and out, and Yaron was also
24 quite often in our house.

25 Q. Did you have an opportunity to observe them as

1 parents?

2 A. Yes. They're very loving, and as you heard from,
3 they were very outgoing and very warm to the kids, and
4 very open, and very positive. They were like -- Yaron
5 loved to run with the children on the floor, on the
6 carpet, and once we had a discussion about the
7 education, he said when my child grows, I will never
8 say to him, no, you're not allowed, but I'll say why
9 won't you do the other way. Like he built up a way of
10 -- a method of education, and that was very important
11 for him. All the attitude, bring children was not just
12 raising family, it was educating them, and that was
13 very important for him.

14 Q. What kinds of things, what kinds of activities did
15 he do with the children?

16 A. Well anything that the father would do with a
17 child he loves. Okay, he had Effie in the house
18 washing the children, and diapering them and playing
19 with them, feeding them, and the most important thing
20 is that, okay, Yishai did not speak, so I don't know
21 his attitude, but I do know Dvir's. One day I heard
22 Dvir say --

23 Q. Excuse me one second. You're talking about prior
24 to their death, Yishai was 9 months old?

25 A. Yes. Yishai was at the death he was 9 months old,

1 so before that he was even younger.

2 Q. So he wasn't speaking.

3 A. Yes. Like when they grew up a bit, so Dvir said
4 to Yishai, remember, I asked him -- I asked him, do you
5 remember anything from your parents? So Dvir says,
6 Yishai, remember how I sat on daddy and you were
7 petting mommy's cheek, so suddenly -- I know what he
8 was talking about. So I said, do you mean this
9 picture? He said yes, but when he saw his picture, he
10 kind of cuddled up of the memory of how he enjoyed
11 being hugged by his father.

12 Q. And was Dvir particularly close to his father?

13 A. Very much so. He was all the time daddy. I'll
14 tell you about two incidents. First of all, one day
15 Effie said to me, I don't understand -- mommy. I'm
16 sorry, mommy, I don't understand, all the day I'm with
17 the children, I'm doing everything with them, for them.
18 The moment daddy comes in, daddy, daddy, they're
19 running to him and I'm as if I'm out of here. I'm
20 being ignored completely. And -- okay. I explain to
21 her that's tough, that's life, that's how it's usually
22 is. And another story that in the day when -- on the
23 night when they were killed, the moment we heard, and
24 we decided that we are going to the hospital to fetch
25 Yishai from the hospital, Dvir woke up, daddy, I want

1 daddy, take me to daddy now. He was only, nearly 20
2 years -- 20 months old, but he was talking completely,
3 so -- and he demanded to go to daddy. He didn't
4 mention mommy. But the next morning when they didn't
5 come, he asked me why aren't my parents coming? He
6 asked about both of them. Actually it was I think the
7 first time that he actually related to the absence of
8 the mother because the father he asked about that night
9 before.

10 Q. And how subsequent to that, after, in other words,
11 after their death, how have the kids -- how have the
12 kids adjusted? How have they responded to their
13 parents' death?

14 A. Okay. About Yishai, it's very hard to say. I
15 just know that he was in the car for who knows how long
16 crying because when the guy that found him, found him
17 in a very very harsh state of crying, of suffering. So
18 I don't know what of it is left in his soul. But that
19 was then a trauma. Dvir, for a very long time, I can't
20 say exactly how long, did not leave Yishai out of his
21 sight. If Yishai crawled -- following somebody, and
22 Dvir for a minute didn't see him, where's Yishai,
23 where's Yishai. You know, he was edgy, looking for
24 Yishai as if -- and he was a baby. It's unbelievable,
25 he was not 2 years yet, but he was kind of hanging onto

1 this presence of Yishai in the area. Until today, he
2 is kind of dependent on the fact that Yishai has to be
3 where he is. And when Yishai goes to friends, until
4 today, he goes with him, to the young friends. He
5 doesn't mind to go to the younger kids, and in that
6 age, age is very important. He goes with Yishai just
7 to be with him.

8 About relating to the death, when he was about 5
9 and a half years old, he asked, if God can do anything,
10 why didn't he do that my parents will not be killed?
11 And after -- well, not half a year ago, he wanted to
12 show off to his friends that his father is also playing
13 soccer, so he took the trophy that Yaron won in high
14 school -- in elementary school, a trophy of soccer, and
15 he brought it to show to his friends. He came back
16 home and the trophy was broken. So Yishai says, wow,
17 what should we do now? How we will -- we won't be able
18 to return it to our parents when they come back. So
19 Dvir says, mommy, when will be resurrection? They've
20 been so long away, when are they going to come back?
21 Anytime that they ask these questions, I answer. I
22 don't have problems in answering, but I have problems
23 in my heart. But I'm answering. I hope that when
24 they'll be older, I'll still have the ability to answer
25 harder questions.

1 Q. Do those kinds of questions come up a lot or are
2 they infrequent?

3 A. Usually they live their life. Our life, you know
4 -- they live like everybody else, but, when -- like
5 when the trophy was broken, there was a problem. It
6 has to be solved. So they discussed it, applying to
7 the dead and to resurrection, or when he asked about if
8 God can do anything. So he learn. I don't remember, I
9 think I was telling him about the creation of the
10 world, Genesis, the beginning of Genesis. I was
11 telling him every night near bedtime. I'm telling them
12 a piece from the Bible, a story. I'm sure that that is
13 exactly what their father would have done. So I'm
14 doing the same. And I believe that I taught them about
15 genesis, so God can do anything, so why didn't he
16 prevent the death of their parents.

17 Q. And do you have a sense as to what the -- what the
18 biggest loss is for them? What loss do they suffer
19 from not having their parents?

20 A. First, there are so many losses that I can start
21 counting. Okay, first of all, that they don't have
22 real identity. We are doing for them the best, but the
23 best is not enough because we are not the real thing.
24 We are substitutes, and there's no substitutes for the
25 parents. As that is said beforehand that we are

1 telling them about their parrents all the time, but
2 they can believe us. They don't really know. So they
3 don't have their parents. How do you pass on the
4 parentage of a person you don't know? How do you make
5 a person love somebody that you never experience his
6 love? They don't have their parents, with all the big
7 huge implication about it. And about us, okay, so
8 we're trying to substitute for the parents, but then
9 they don't have us as grandparents, and that's very --
10 that's also very hard for them because we are the
11 grandparents of our other grandchildren. And when they
12 come in, it's a very complicated life. When my sons
13 are coming in, they try to substitute for Yaron. They
14 crawl around with the kids on the carpet. They wrestle
15 with him. So Dvir starts crying. He's not used to
16 that. I can't play with him. My husband, we don't
17 play with him on the floor because of age problems. So
18 I'm teaching them chess. So we're playing something
19 else. But if I'm teaching them chess as a parent, I
20 can't let them win as I would do if I was a grandmother
21 only to them, because then they won't learn. So we
22 have a lot of problems which we are trying to solve in
23 the best way possible. But as I said, the best is not
24 enough in this occasion because it's not the real
25 thing.

1 MR. STRACHMAN: Thank you. Your Honor, we
2 had one other witness, Doctor Alan Brenman. He is not
3 here because I did not -- and he's local, and I'm
4 wondering if it's possible on Monday sometime to
5 schedule 45 minutes or a half-hour or so, to hear his
6 testimony? And if Monday is not convenient, then some
7 other time. That is our last witness, and since he's
8 from the area, I did not push to have him testify right
9 away.

10 THE COURT: Do we have time on Monday,
11 Mrs. Saucier?

12 THE CLERK: Yes, your Honor, we do, from 2
13 p.m. on.

14 THE COURT: Can you have him here for 2 p.m.
15 on Monday?

16 MR. STRACHMAN: Yes, your Honor.

17 THE COURT: All right. We will resume this
18 matter then on Monday afternoon for the final witness,
19 one witness on at 2 p.m. After that witness testifies,
20 I'll take the matter under advisement. I will be
21 rendering a written decision. Anything further we need
22 to address before I leave the bench?

23 MR. STRACHMAN: No, your Honor. Thank you.

24 THE COURT: All right, the Court will stand
25 in adjournment.

C E R T I F I C A T I O N

I hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Joseph A. Fontes
JOSEPH A. FONTES

July 22, 2002
Date